

PATENT COOPERATION





RECTO 15 JAN 2002

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant	rs or ag	ent's file reference		See Notifica	ation of Transmittal of International
J.		· .	FOR FURTHER ACTION	Preliminary	Examination Report (Form PCT/IPEA/416)
Internatio	nal app	kication No.	International filing date (day/mont	h/year)	Priority date (day/month/year)
PCT/SE	E01/00	789	10/04/2001		11/04/2000
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BONE S	SUPP	ORT AB et al.			· · · · · · · · · · · · · · · · · · ·
1. This	intern	ational preliminary exam	ination report has been prepared	f by this Inter	mational Preliminary Examining Authority
and	is tran:	smitted to the applicant a	according to Article 36.		· · · · · · · · · · · · · · · · · · ·
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Vi	×	Certain documents cited	d		
VII		Certain defects in the int	ernational application	•	
VIII		Certain observations on	the international application		
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Form PCT/IPEA/409 (cover sheet) (January 1994)



International application No. PCT/SE01/00789

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INTERNATIONAL PRELIMINARY **EXAMINATION REPORT**

International application No. PCT/SE01/00789

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- 1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

see separate sheet

INTERNATIONAL PRELIMINARY International application No. PCT/SE01/00789 EXAMINATION REPORT - SEPARATE SHEET

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: WO-A1-0002597

 Claims 1-15 meet the requirements of Art. 33(2) and 33(3) PCT because their subject matter is new and inventive over the prior art cited in the search report (see below).

2.1 Novelty:

None of the prior art documents cited in the search report discloses a composition comprising an inorganic bone cement powder and a biologically compatible oil, wherein the oil is in intermixture with the cement powder at a concentration of less than 10 wt% of the composition.

2.2 Inventive step:

The subject matter of the present claims 1-15 is based on the finding that the addition of a biologically compatible oil (in the manner and at the concentration indicated in the claim 1) to a conventional injectable inorganic bone cement composition, imparts an improved rheology to the composition without adversely affecting its mechanical strength.

The problem to be solved by the present invention may therefore be regarded as providing means for improving the rheology of injectable inorganic bone cements without adversely affecting their mechanical strength.

The closest prior art D1 (see e.g. claims 1, 9 and 16) discloses a composition for restoring bone tissue in a body, said composition comprising solid particulate calcium phosphate as bone tissue substitute material distributed in a carrier, said carrier comprising at least one phospholipid and water or other liquid, the amount of phospholipid being such that a lamellar liquid crystalline phase is formed when water or the other liquid is provided, either in a pre-forming operation outside the



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EXAMINATION REPORT - SEPARATE SHEET

body or in situ in said body. The specific amounts of phospholipid in the composition, as explicitly disclosed in D1 (see p. 8, I. 22-35 and examples 1-3), are greater than 10 wt%.

Nothing in D1 teaches or suggests that the problem posed in the present application could be solved with a composition according to the present main claim 1.

3. Claims 1-15 satisfy the criterion set forth in Art. 33(4) PCT because their subject matter is susceptible of industrial application.

Re Item VI

Certain documents cited

WO-A-00 45867 (filing date: 02.02.99; publication date: 10.08.00)